

**United States Department of Agriculture
Animal and Plant Health Inspection Service
Wildlife Services**

Resident Canada Goose Management in the United States

Record of Decision

This Record of Decision (ROD) has been developed by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS) in compliance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality's (CEQ) regulations implementing NEPA, and the USDA and APHIS NEPA implementing regulations and procedures.

This ROD is intended to: (a) state APHIS-WS' decision, present the rationale for its selection, and describe its implementation; (b) identify the alternatives considered in reaching the decision, including the alternative considered environmentally preferable; and (c) state whether all means to avoid or minimize environmental harm from implementation of the selected alternative have been adopted (40 CFR 1505.2).

In recent years, the numbers of Canada geese that nest and/or reside predominately within the conterminous United States (resident Canada geese) have undergone dramatic growth to levels that are increasingly coming into conflict with people and human activities and causing personal and public property damage as well as public health concerns in many parts of the country. The United States Fish and Wildlife Service (USFWS) prepared an environmental impact statement (EIS) in cooperation with APHIS-WS in response to growing impacts from the overabundant populations of resident Canada geese. Alternatives have been fully described and evaluated in the Final EIS, and a Record of Decision and Final Rule were published by the USFWS on August 10, 2006 (Federal Register Vol. 71, No. 154: 45964- 45993).

In accordance with the CEQ regulations (40 CFR 1506.3), a cooperating agency may adopt the EIS of a lead agency without recirculating it when, after an independent review of the EIS, the cooperating agency concludes that its comments and suggestions have been satisfied. Accordingly, APHIS-WS has independently reviewed and evaluated the Final EIS (FEIS) and has determined that the FEIS has met these conditions. Therefore, APHIS-WS adopts the 2005 USFWS FEIS entitled Resident Canada Goose Management to support its program decisions for its involvement in the management of damages from resident Canada geese.

APHIS-WS responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. APHIS-WS is the federal program authorized by law to reduce damage caused by wildlife (Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426b) and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c).

ENVIRONMENTAL IMPACT STATEMENT AND USFWS FINAL RULE

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In February 2002, USFWS issued a Draft EIS on resident Canada goose management with the cooperation of APHIS-WS. In August 2003, the USFWS published a proposed rule to establish regulations to implement the DEIS proposed action, Alternative F. In November 2005, the USFWS published a notice of availability for a Final EIS. The USFWS issued a Record of Decision and final rule (August 10, 2006) which selected the preferred alternative, Alternative F, and set forth rules which would authorize state wildlife agencies, private landowners, and airports to conduct (or allow) indirect and/or direct population control management activities for resident Canada geese.

The USFWS final rule and Record of Decision allows APHIS-WS to take action under new rules for depredation and control orders when designated by authorized parties, and/or to work under USFWS issued depredation permits and special Canada goose permits.

PUBLIC INVOLVEMENT

In compliance with the requirements of section 102(2)(C) of NEPA (42 U.S.C. 4332(C)), and the CEQ regulations for implementing NEPA (40 CFR 1500-1508), public involvement occurred throughout the EIS and rulemaking process (from 1999 to 2005), including 20 public meetings held by the USFWS over the course of more than 11 months. Copies of the Final EIS may be obtained by writing to the Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, MBSP-4107, Arlington, Virginia 22203 or by downloading it from the USFWS website at <http://migratorybirds.fws.gov>.

ISSUES

Through public scoping and agency discussions, key issues were identified. In the FEIS environmental analysis, alternatives were analyzed with regard to their potential biological and sociological impacts including impacts on resident Canada geese, other wildlife species, hunting and other recreation, aesthetics, animals rights and humaneness, and federal and state programs. The FEIS also analyzed the effects that the alternatives would have on resource areas negatively affected by geese: property, agriculture, human safety, human health, and natural resources.

ALTERNATIVES

The FEIS examined seven alternatives: (A) No Action, (B) Non-lethal Control and Management (non-permitted activities); (C) Non-lethal Control and Management (including permitted activities); (D) Expanded Hunting Methods and Opportunities; (E) Depredation Order Management (consisting of an airport control order, a nest and egg depredation order, an agricultural depredation order, and a public health control order) (F) Integrated Damage Management and Population Control (Selected Action); and (G) General Depredation Order.

APHIS-WS' preferred and environmentally preferred alternative, is Alternative F (Integrated Damage Management and Population Control). AHPIS-WS selected actions fall within Alternative F. Alternative F was selected by the USFWS in its Record of Decision and Final Rule published in the Federal Register (Vol. 71, No. 154, August 10, 2006). Through selection of Alternative F, the USFWS established a new regulation with three main program components.

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The first component consists of control and depredation order management and is targeted to address resident Canada goose depredation, damage, and conflict management. This first component changes the regulatory framework under which APHIS-WS may respond to requests for Canada damage management assistance and provides the opportunity for APHIS-WS' selected actions. In addition, under Alternative F, APHIS-WS would continue operational activities under depredation permits and USFWS special permits for taking resident Canada geese (50 CFR §§21.41 and 21.26, respectively).

The second and third components consist of expanded hunting methods and opportunities, and USFWS Director's authority to enable states to use hunters to harvest resident Canada geese during the August 1 through August 31 period using additional methods of taking resident Canada geese.

The USFWS noted in its Record of Decision and Final Rule (August 10, 2006) selecting Alternative F, that non-lethal management would continue or increase with the selected alternative. Non-lethal technical and operational assistance has always been aspects of APHIS-WS' overall wildlife damage management program, so APHIS-WS will continue to provide non-lethal technical and operational assistance when deemed appropriate and effective as part of an integrated program.

Alternative A - No Action

Under the No Action Alternative, the status quo would be maintained. All methods of non-lethal harassment would continue to be allowed. The USFWS would continue the use of special and regular hunting seasons and the issuance of depredation permits and special Canada goose permits would continue. Those conflicts not eligible for inclusion under the special Canada goose permit would continue to be dealt with on a case-by-case basis, requiring a separate federal permit for every locality and occurrence within a state.

Alternative B - Non-lethal Control and Management (non-permitted activities)

Under this alternative, the USFWS and APHIS-WS would actively promote (*i.e.*, either provide staffing and/or funding) the use of non-lethal management tools, such as habitat manipulation and management and goose harassment techniques, and cease the issuance of all federal permits for the management and control of resident Canada geese.

Alternative C - Non-lethal Control and Management (including permitted activities)

Under this alternative, the USFWS and APHIS-WS would actively promote (*i.e.*, either provide staffing and/or funding) the use of non-lethal management tools, such as habitat manipulation and management and goose harassment techniques. Management activities such as trapping and relocation of geese or egg addling would be allowed with a Federal permit. However, permits under existing regulations, including the Special Canada goose permit, allowing the take of either goslings or adults would not be issued. Special hunting seasons primarily targeted at resident Canada geese would be continued.

Alternative D - Expanded Hunting Methods and Opportunities

Under this alternative, the USFWS would provide new regulatory options to state wildlife management agencies and tribal entities potentially to increase the harvest of resident Canada

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geese. The implementation of experimental seasons would be authorized on a case-by-case basis through the normal migratory bird hunting regulatory process. The use of depredation permits and special Canada goose permits, issued under 50 CFR 21.41 and 21.26 respectively, would continue.

Alternative E - Control and Depredation Order Management (consisting of an Airport Control Order, a Nest and Egg Depredation Order, an Agricultural Depredation Order, and a Public Health Control Order).

This alternative consists of four separate Control and Depredation Orders. The Orders would allow management activities for resident Canada goose populations generally between March 1 and August 31. In addition to these specific strategies, the USFWS would continue the use of special and regular hunting seasons, issued under 50 CFR part 20, and the issuance of depredation permits and special Canada goose permits, issued under 50 CFR 21.41 and 21.26, respectively. Under the control and depredation orders, authorized resource owners or managers may designate APHIS-WS to take actions implementing resident Canada goose damage management.

Airport Control Order

This option would establish a control order authorizing airport managers at commercial, public, and private airports and military air operation facilities to establish and implement a resident Canada goose control and management program when necessary to protect public safety and allow resolution or prevention of airport and military airfield safety threats from resident Canada geese. Control and management activities would include indirect and/or direct control strategies such as trapping and relocation, nest and egg destruction, gosling and adult trapping and culling programs, or other control strategies. The intent of this alternative is to remove or deter resident Canada goose populations from airports where there is a demonstrated threat to human safety and aircraft. Airports and military airfields could conduct management and control activities between April 1 and September 15. The destruction of resident Canada goose nests and eggs could take place between March 1 and June 30.

Nest and Egg Depredation Order

This option would establish a depredation order authorizing private landowners and managers of public lands to destroy resident Canada goose nests and take resident Canada goose eggs on property under their jurisdiction when necessary to resolve or prevent injury to people, property, agricultural crops, or other interests. The goal of this program would be to stabilize resident Canada goose breeding populations, not directly reduce populations, and thus prevent an increase in long-term conflicts between geese and people. Landowners could conduct resident Canada goose nest and egg destruction activities between March 1 and June 30.

Agricultural Depredation Order

This option would establish a depredation order at agricultural facilities by authorizing states, via the state wildlife agency, to implement a program to allow landowners, operators, and tenants actively engaged in commercial agriculture to conduct direct damage management actions such as nest and egg destruction, gosling and adult trapping and culling programs, or other wildlife-damage management strategies on resident Canada geese when the geese are committing depredations to agricultural crops and when necessary to resolve or prevent injury to agricultural

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crops or other agricultural interests from resident Canada geese. The program would be restricted to the states in the Atlantic, Central, and Mississippi Flyways. Authorized agricultural producers could conduct management and control activities between May 1 and August 31. The destruction of resident Canada goose nests and eggs could take place between March 1 and June 30. All management actions would have to occur on the premises of the depredation area.

Public Health Control Order

This option would establish a control order authorizing states, via the state wildlife agency, to conduct resident Canada goose control and management activities including direct control strategies when resident Canada geese are posing a direct threat to human health. A direct threat to human health is one where a federal, state, or local public health agency recommends removal of resident Canada geese that the agency has determined pose a specific, immediate human health threat by creating conditions conducive to the transmission of human or zoonotic pathogens. The state could not use this control order for situations in which resident Canada geese were merely causing a nuisance. Management and control activities could only be conducted between April 1 and August 31. The destruction of resident Canada goose nests and eggs could take place between March 1 and June 30. Resident Canada geese could be taken only within the specified area of the direct threat to human health.

Alternative F - Integrated Damage Management and Population Control (Selected Action):

Under this alternative the USFWS would establish a new regulation with three main program components. The first component would consist of Alternative E - Control and Depredation Order Management and would be targeted to address resident Canada goose depredation, damage, and conflict management. As under Alternative E, authorized resource owners or managers may designate APHIS-WS to take allowed actions implementing resident Canada goose damage management.

The second component would consist of Alternative D - Expanded Hunting Methods and Opportunities where USFWS would increase the sport harvest of resident Canada geese above that which results from existing September special Canada goose seasons. The third component would consist of a resident Canada goose population control program, or management take. Management take is defined as a special management action needed to reduce certain wildlife populations when traditional management programs are unsuccessful in preventing injuries from overabundance of the population. The management take program would authorize the USFWS Director to enable states to use hunters to harvest resident Canada geese, by way of shooting in a hunting manner, during the August 1 through August 31 period using additional methods of taking resident Canada geese, *i.e.*, allow shooting hours to extend to one-half hour after sunset and remove daily bag limits for resident Canada geese. Like Alternative D, the management take component would be restricted to the states in the Atlantic, Central, and Mississippi Flyways. States participating in the management take program component would be required to annually monitor the spring breeding population in their state in order to assess population status. USFWS would annually assess the overall impact and effectiveness of the management take program on resident Canada goose populations to ensure compatibility with long-term conservation of the resource. In addition to the three main new components, USFWS would continue the use of special and regular hunting seasons, issued under 50 CFR part 20, and the issuance of depredation permits and special Canada goose permits, issued under 50 CFR 21.41

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and 21.26, respectively. The continued use of depredation and special Canada goose permits are also components of APHIS-WS' selected action.

Alternative G - General Depredation Order

This alternative would establish a general depredation order, allowing any authorized person to conduct damage management activities on resident Canada goose populations either posing a threat to health and human safety or causing damage to personal or public property. The intent of this alternative would be to significantly reduce resident Canada goose populations in areas where conflicts are occurring. The general depredation order could only be implemented between April 1 and August 31, except for the take of nests and eggs which would be additionally allowed in March. This alternative would also include all components of Alternative D - Expanded Hunting Methods and Opportunities. In addition, USFWS would continue the use of special and regular hunting seasons, issued under 50 CFR part 20, and the issuance of depredation permits and special Canada goose permits, issued under 50 CFR 21.41 and 21.26, respectively. Under this alternative, unlike Alternative Integrated Damage Management and Population Control, the authorization for management activities, would come directly from the USFWS via this depredation order and the authorized person or entity could implement the provisions of this alternative within the guidelines established by the USFWS. Persons authorized by the USFWS under the Depredation Order would not need to obtain authority from the state unless required to do so under state law.

DECISION

APHIS-WS' decision is to implement an integrated damage management program utilizing actions allowed under depredation and control orders described in Alternative F of the FEIS and USFWS final Rule. In addition, APHIS-WS may continue to work under depredation permits or special Canada goose permits at the request of resource managers where such permits are required for take of resident Canada geese. APHIS-WS has no regulatory authority under the Migratory Bird Treaty Act and therefore cannot and is not making a decision on any rules proposed in the USFWS FEIS. APHIS-WS is deciding how best to assist public and private parties who may request its services as presented in the different alternatives presented and analyzed in the FEIS. APHIS may only select the portion or aspects of those goose damage management actions within an alternative that it is authorized to perform.

As described in the FEIS, APHIS-WS will use both lethal and non-lethal technical and operational management methods (*see* Final EIS; Section IIA). The integrated program would facilitate APHIS-WS' mission to resolve wildlife conflicts throughout the U.S. APHIS-WS will not directly take part in program actions related to sport hunting, but may consider and recommend hunting as part of an integrated damage management program. Our decision is based on a thorough and independent review of the FEIS' alternatives and their environmental consequences. Implementation of APHIS-WS actions allowed under the depredation and control orders would be contingent upon requests from authorized states, landowners, airport managers, and agricultural managers as described under the individual orders in the final rule, and delegation of APHIS-WS to act as the respective agent for the requestor where funding is adequate.

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Additional Management Actions

APHIS-WS National Wildlife Research Center (NWRC) functions as the research arm of APHIS-WS by providing scientific information on wildlife, its habitat, and its relationship with the human and natural environments. This information is used to develop methods for wildlife damage management that are effective and environmentally responsible. APHIS-WS NWRC scientists work closely with wildlife managers, researchers, field specialists and others to develop and evaluate wildlife damage management techniques. As appropriate, and in compliance with NEPA, APHIS-WS will evaluate in subsequent environmental analyses and documentation, new Canada goose damage management methods and techniques that are developed, approved and proposed for use by APHIS-WS.

Mitigation Measures

No specific mitigation measures were identified for APHIS-WS participation with resident Canada goose management in the FEIS or final rule (Federal Register Vol. 71, No. 154). However, as noted in Section IIA of the FEIS, APHIS-WS Directives govern APHIS-WS' use of damage management tools and will be incorporated into operational activities as appropriate under the selected alternative. APHIS-WS Directives are available at http://www.aphis.usda.gov/wildlife_damage/.

APHIS-WS will assist the USFWS in monitoring the effects of the USFWS final rule on the resident Canada goose population by reporting its takes of resident Canada geese to the USFWS where the new rule and other USFWS reporting requirements do not otherwise require the resource owners and managers to report such take. In addition, APHIS-WS maintains records of all of its resident Canada goose takes in an APHIS-WS management information system database.

The proposed action alternative of the FEIS includes built-in safeguards to minimize effects on non-target species. Depending on the amount of participation and specific requests for APHIS-WS assistance, there could be increases in goose management activities at or near participating airports, agricultural areas, areas of public health concern, or where property is threatened. APHIS-WS management actions with resident Canada geese would occur primarily during the spring nesting season and the summer molt. All of these seasonal management actions would take only resident geese due to the absence of migratory Canada goose populations at these times of the year. All direct capture and removal methods allow for positive identification of target species.

Consultation under the Endangered Species Act (ESA) was completed on the preferred alternative between the USFWS Division of Migratory Bird Management and the USFWS Division of Consultations, Habitat Conservation Plans, Recovery and State Grants. Based on the consultation, the USFWS concluded that with the inclusion of specific conservation measures (Attachment 1), the proposed alternative and component actions are not likely to adversely affect any threatened, endangered, or candidate species. APHIS-WS hereby adopts the attached conservation measures as they are specified in the USFWS FEIS, Record of Decision, and Final Rule for control and depredation orders. Further, APHIS-WS will conduct consultations

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pursuant to the ESA as appropriate and warranted for requested proposals pursuant to permitted activities.

Incorporation of all rules, restrictions and conservation measures outlined in the Final Rule assures that all means to avoid or minimize environmental harm from implementation of the selected FEIS alternative have been adopted (40 CFR 1505.2).

Environmental Consequences of APHIS-WS' Selected Action

The FEIS contains a full analysis of the selected actions to which we refer the reader for specific details (Final EIS: Resident Canada Goose Management, USFWS 2005). APHIS-WS expects to increase lethal and non-lethal resident Canada goose damage management, particularly lethal control methods, based on the USFWS' final rule implementing new control and depredation orders. Lethal control methods associated with aggressive hazing techniques of adult birds would also be expected to increase. The environmental analysis indicates that APHIS-WS' actions would be expected to substantially reduce some very localized populations of injurious resident Canada geese in some problem areas. In combination with actions authorized under Alternative F which involve non APHIS-WS entities, we expect that regional and national populations of resident Canada geese would gradually return to levels that the USFWS, the Flyway Councils, and the states believe are more compatible with human activities, especially in those high-conflict areas related to public health and safety, agricultural depredation, and urban and suburban areas. We do not consider that cumulative effects on resident Canada goose populations from both APHIS-WS and non-APHIS-WS actions as described under Alternative F, would be significant on a regional or national level because the long term viability of the resident Canada goose population would not be affected and because actions would be consistent with state, flyway and USFWS management goals.

In discussing effects on resident Canada goose populations in this ROD, we naturally use (and herein incorporate by reference) the APHIS-WS criteria for determining significant adverse biological impacts (USDA, 1997, revised, Table 4-1). This evaluation process is used to determine the significance of the biological impact on resident Canada goose populations pursuant to Council on Environmental Quality (CEQ) NEPA regulations (40 CFR 1508.27). Four criteria are applied in the model to arrive at the impact rating upon which we base our conclusion:

1) The **magnitude** is the relative size or amount of the impact. As specified in the FEIS, flyway management plans have been developed and approved by the four Flyway Councils. APHIS-WS take of resident Canada geese, when combined with all other forms of known mortality, would remain within levels allowed by flyway management plans. The goals of the flyway plans are generally to provide maximum benefits and recreational opportunities from resident Canada goose populations while managing conflicts with human interests (FEIS I-E and Appendices 2-5). Flyway management guidelines reflect the context of the impact and in part show that resident Canada geese are considered to be overly abundant in many areas. For these reasons, the overall magnitude of the impact is expected to be low to moderate.

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2) The **geographic extent** refers to how widespread the impact would be. The geographic extent could include various states but the impact within each state would be localized, site-specific locations and relatively few in number, and only in or near those places where resident Canada geese congregated in large numbers, where they conflicted with human interests, and where requests for assistance were made. Therefore we estimate the geographic extent to be low.

3) The **duration and frequency** of an impact refers to whether the impact would occur one time, or whether it would be chronic or intermittent. Most population effects would be expected to occur in early stages of a project and subsequent effects would be expected to be lower over time until damage is reduced to acceptable levels. Because program impacts are expected to be more evident up front and less so over time, the duration and frequency is expected to be low.

4) The **likelihood** of an impact occurring is the final criteria in determining significance. APHIS-WS has received requests for assistance in some states and we may choose to respond to new requests for assistance in the future. Therefore we estimate that there is a high likelihood that APHIS-WS will implement damage management programs that reduce resident Canada goose populations in some areas.

Applying the four criteria that define the level of impact in the significance model, (USDA, 1997, revised, Table 4-1), reveals that the impact rating for effects from APHIS-WS control actions on the resident Canada goose population is considered to be low to moderate, and not significant on the national level. Impacts will be further assessed at the local, state, or regional level to inform decision makers of the potential localized effects.

With implementation of the allowed Canada goose control and management actions, APHIS-WS would assist the public with reducing conflicts caused by resident Canada geese to alleviate damages to property and threats to safety and health. Other effects which are expected to occur as part of the USFWS selected alternative and final rule, but are outside of the realm of APHIS-WS statutory authorities or control include increased hunting opportunities and some increase in the workload of other government programs. Other consequences of Alternative F include reduced damages to property and agricultural crops, and reduced threats to human health and safety. Natural resources, such as water quality and vegetation would be protected without harm to non-target species populations and without jeopardy to endangered species. Areas deemed to be public health threats (e.g. swimming areas and parks) will receive benefits but at the same time there will be a reduction in some opportunities to view geese in specific localized areas (at airports, for example). Animal rights and humaneness perspectives would not be expected to change from the current program since lethal control measures would still be used, however the increase in egg and nest destruction may be a more acceptable approach to many people.

RATIONALE FOR DECISION

As stated in the CEQ regulations, “the agency’s preferred alternative is the alternative which the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors.” Specific actions under the preferred alternative have been selected for implementation based on consideration of a number of environmental, regulatory, and social factors. Based on our independent analysis and evaluation,

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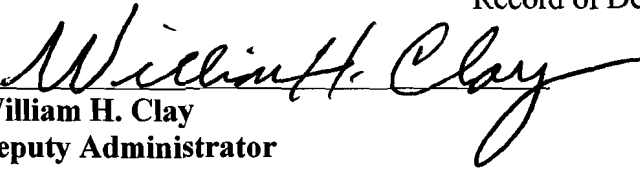
it is APHIS-WS' determination that taking action under the new USFWS rules for Canada goose control and depredation orders as described under Alternative F would be more effective than the current program, is environmentally sound and does not threaten the viability of regional or national resident Canada goose populations or any other environmental resource. The Canada goose control and management actions are selected by APHIS-WS because they would allow for increased lethal and non-lethal activities which would be expected to decrease the number of injurious resident Canada geese and the associated damages in specific localized areas, especially airports and military airfields, agricultural areas, urban/suburban areas subjected to nest and egg removal, and public health threat areas. Regionally and nationally, we expect resident Canada goose populations to gradually return to levels that we, the USFWS, the Flyway Councils, and the states believe are more compatible with human activities, especially in those high-conflict areas related to public health and safety, agricultural depredation, and urban and suburban areas. Our independent analysis concludes that the long-term viability of regional or national resident Canada goose populations and other federally protected species would not be significantly affected.

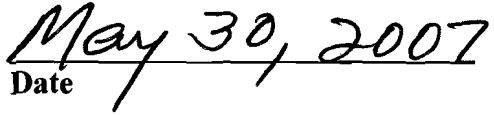
We did not select the No Action Alternative (Alternative A) of the FEIS because in recent years it has become clear from public and professional feedback that the status quo is not adequately or appropriately resolving the numerous and widespread resident Canada goose conflicts for many stakeholders. The environmental analysis provided in the FEIS indicated that conflicts were more likely to be resolved under other options than under the No Action Alternative.

Alternatives that were either strictly or largely non-lethal control and management (Alternatives B and C) were not selected because the analysis indicated that population growth and resultant injury would continue and be more pronounced than under the No Action alternative. We did not select the expanded Hunting Methods and Opportunities Alternative (D) because APHIS-WS does not have authority to regulate hunting, and it would not be a viable or effective method in urban and suburban areas not open to hunting seasons where the majority of non-agricultural goose/human conflicts exist. We did not select the Control and Depredation Order Management Alternative (E) by itself since depredation and control orders may not be authorized in all cases where our assistance is requested. Alternatives D and E were essentially selected by USFWS as components of Alternative F. Our selection of the actions in Alternative F relating to USFWS authorized control and depredation orders and depredation and special permits allows us to use a full array of management and regulatory options to resolve resident Canada goose damage. We could not select the General Depredation Order Alternative (G) because USFWS rules were not established for that alternative.

We believe that by using new and existing regulations described under Alternative F "Integrated Damage Management and Population Reduction" for depredation and control orders and depredation and special permits, we best accomplish the mission of APHIS-WS. The effects of the selected actions are expected to improve the quality of the human environment overall by balancing the needs of all interests and meeting individual state, flyway, and USFWS management goals for viable populations of resident Canada geese.

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William H. Clay
Deputy Administrator
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Date

Literature Cited

United States Department of Agriculture (USDA). 1997, revised. Animal Damage Control Program Final Environmental Impact Statement. Animal and Plant Health Inspection Service, Animal Damage Control Program APHIS, ADC Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737-1234.

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Attachment 1 –Conservation Measures

When acting as an agent of authorized parties implementing depredation and control orders, APHIS-WS will adopt conservation measures identified in the Final Rule (Federal Register/ Vol. 71, No. 154) as applicable to avoid adverse effects on migratory birds and threatened and endangered species.

Airport Control Order

Airports and military airfields may not undertake any actions under this section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, airports and military airfields must: (i) Follow the Federal-State Contingency Plan for the whooping crane; (ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest; (iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities; (iv) Contact the Arizona Ecological Services Office (for the Colorado River and Arizona sites) or the Carlsbad Fish and Wildlife Office (for Salton Sea sites) if control activities are proposed in or around occupied habitats (cattail or cattail bulrush marshes) to discuss the proposed activity and ensure that implementation will not adversely affect clapper rails or their habitats; and (v) In California, any control activities of resident Canada geese in areas used by the following species listed under the Endangered Species Act must be done in coordination with the appropriate local FWS field office and in accordance with standard local operating procedures for avoiding adverse effects to the species or its critical habitat: (A) Birds: Light-footed clapper rail, California clapper rail, Yuma clapper rail, California least tern, southwestern willow flycatcher, least Bell's vireo, western snowy plover, California gnatcatcher. (B) Amphibians: California red-legged frog and California tiger salamander. (C) Insects: Valley elderberry longhorn beetle and delta green ground beetle. (D) Crustaceans: Vernal pool fairy shrimp, conservancy fairy shrimp, longhorn fairy shrimp, vernal pool tadpole shrimp, San Diego fairy shrimp, and Riverside fairy shrimp. (E) Plants: Butte County meadowfoam, large-flowered wooly meadowfoam, Cook's lomatium, Contra Costa goldfields, Hoover's spurge, fleshy owl's clover, Colusa grass, hairy Orcutt grass, Solano grass, Greene's tuctoria, Sacramento Valley Orcutt grass, San Joaquin Valley Orcutt grass, slender Orcutt grass, California Orcutt grass, spreading navarretia, and San Jacinto Valley crownscale.

Nest and Egg Depredation Order

Landowners may not undertake any actions under the nest and egg depredation order section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, landowners must: (i) Follow the Federal-State Contingency Plan for the whooping crane; (ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest; (iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities; (iv) Contact the Arizona Ecological Services Office (for

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the Colorado River and Arizona sites) or the Carlsbad Fish and Wildlife Office (for Salton Sea sites) if control activities are proposed in or around occupied habitats (cattail or cattail bulrush marshes) to discuss the proposed activity and ensure that implementation will not adversely affect clapper rails or their habitats; and (v) In California, any control activities of resident Canada geese in areas used by the following species listed under the Endangered Species Act must be done in coordination with the appropriate local FWS field office and in accordance with standard local operating procedures for avoiding adverse effects to the species or its critical habitat: (A) Birds: Light-footed clapper rail, California clapper rail, Yuma clapper rail, California least tern, southwestern willow flycatcher, least Bell's vireo, western snowy plover, California gnatcatcher. (B) Amphibians: California red-legged frog and California tiger salamander. (C) Insects: Valley elderberry longhorn beetle and delta green ground beetle. (D) Crustaceans: Vernal pool fairy shrimp, conservancy fairy shrimp, longhorn fairy shrimp, vernal pool tadpole shrimp, San Diego fairy shrimp, and Riverside fairy shrimp. (E) Plants: Butte County meadowfoam, large-flowered wooly meadowfoam, Cook's lomatium, Contra Costa goldfields, Hoover's spurge, fleshy owl's clover, Colusa grass, hairy Orcutt grass, Solano grass, Greene's tuctoria, Sacramento Valley Orcutt grass, San Joaquin Valley Orcutt grass, slender Orcutt grass, California Orcutt grass, spreading navarretia, and San Jacinto Valley crowscale.

Agriculture Depredation Order

Authorized agricultural producers may not undertake any actions under this section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, agricultural producers must: (i) Follow the Federal-State Contingency Plan for the whooping crane; (ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest; and (iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities.

Public Health Control Order

Authorized state and tribal wildlife agencies may not undertake any actions under this section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, state and tribal wildlife agencies must: (i) Follow the Federal-State Contingency Plan for the whooping crane; (ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest; (iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities; (iv) Contact the Arizona Fish and Wildlife Service Ecological Services Office (for the Colorado River and Arizona sites) or the Carlsbad Fish and Wildlife Office (for Salton Sea sites) if control activities are proposed in or around occupied habitats (cattail or cattail bulrush marshes) to discuss the proposed activity and ensure that implementation will not adversely affect clapper rails or their habitats; and (v) In California, any control activities of resident Canada geese in areas used by the following species listed under the Endangered Species Act must be done in coordination with the appropriate local FWS field office and in accordance with standard local operating procedures for avoiding

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adverse effects to the species or its critical habitat: (A) Birds: Light-footed clapper rail, California clapper rail, Yuma clapper rail, California least tern, southwestern willow flycatcher, least Bell's vireo, western snowy plover, California gnatcatcher. (B) Amphibians: California red-legged frog and California tiger salamander. (C) Insects: Valley elderberry longhorn beetle and delta green ground beetle. (D) Crustaceans: Vernal pool fairy shrimp, conservancy fairy shrimp, longhorn fairy shrimp, vernal pool tadpole shrimp, San Diego fairy shrimp, and Riverside fairy shrimp. (E) Plants: Butte County meadowfoam, large-flowered wooly meadowfoam, Cook's lomatium, Contra Costa goldfields, Hoover's spurge, fleshy owl's clover, Colusa grass, hairy Orcutt grass, Solano grass, Greene's tuctoria, Sacramento Valley Orcutt grass, San Joaquin Valley Orcutt grass, slender Orcutt grass, California Orcutt grass, spreading navarretia, and San Jacinto Valley crownscale.